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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,768	10/12/2001	Michael D. Jenkins		2903

7590 04/17/2009
Ralabate Law Office
5792 Main Street
Williamsville, NY 14221

EXAMINER

NGO, CHUONG D

ART UNIT	PAPER NUMBER
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2193

MAIL DATE	DELIVERY MODE
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04/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/976,768

Applicant(s)

JENKINS ET AL.

Examiner

Chuong D. Ngo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 09/09/2005 has been entered. Claims 1-13 are pending in the application for examination.

2. Applicant indicated in the amendment filed on 09/09/2005 that there were 5 drawing sheets containing 11 figures attached thereto. However, none of the drawing sheets are found with the amendment. Further, the 5 sheets containing 11 figures that applicant intended to file do not appear to belong to this reissue application since the patent 5,999,952 on which this reissue application is based on has only 2 drawing sheets with 3 figures. Applicant is requested to resubmit the correct formal drawings.

3. This Reissue application does not contain the specification, including the claims, of the patent for which the reissue is requested in the form of a copy of the printed patent.

Applicant is requested in response to this Office action to furnish the entire specification, including the claims, of the patent in the form of a copy of the printed patent, in double column format, each page on only one side of a single sheet of paper (see MPEP 1411 and 37 CFR 1.173).

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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As per claim 1, the recitation "said internal core components comprising, except for a display and power supply, internal non-volatile mass storage, I/O controller, Video controller, and audio controller", lines 3-5, is indefinite as to what are and what are not the internal core components. The claim should be amended to clearly recited that the internal core components comprises internal non-volatile mass storage, I/O controller, Video controller, and audio controller, and does not include a display and power supply.

5. Claims 1-13 rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. See *Pannu v. Storz Instruments Inc.*, 258 F.3d 1366, 59 USPQ2d 1597 (Fed. Cir. 2001); *Hester Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998); *In re Clement*, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997); *Ball Corp. v. United States*, 729 F.2d 1429, 1436, 221 USPQ 289, 295 (Fed. Cir. 1984). A broadening aspect is present in the reissue which was not present in the application for patent. The record of the application for the patent shows that the broadening aspect (in the reissue) relates to claim subject matter that applicant previously surrendered during the prosecution of the application. Accordingly, the narrow scope of the claims in the patent was not an error within the meaning of 35 U.S.C. 251, and the broader scope of claim subject matter surrendered in the application for the patent cannot be recaptured by the filing of the present reissue application.

As per claims 1-8, the omitted/broadened claim limitations which provide the broadening aspect to the claims are that "said core computer unit not originally a component or a computer but a free standing unit originally not part of a computer" and the core computer unit not being

"a replacement portion or component of a computer", which are presented in claim 22 of the original application, and which applicant relies on to define the claimed invention over the prior art in the amendment filed on 07/21/1999.

As per claim 9, the omitted/broadened claim limitations which provide the broadening aspect to the claims are that the core computer unit has no "display" and "devoid any peripheral port" that applicant relies on to define the claimed invention over the prior art in the amendment filed on 05/12/1999; the core computer unit is "completely enclosed housing" (note: the claim only requires substantially sealed enclosure), "internal core components are not removable"; "said core computer unit not originally a component or a computer but a free standing unit originally not part of a computer", (note: the claim only require the first component not to be an integral part of the second component), "said core computer unit having means to retain stored information event when separated from said enclosure, said stored information usable in said core computer unit with said plurality of different enclosure", and the core computer unit has "means to be use interchangeable with different types of enclosures" which are presented in claim 22 of the original application, and which applicant relies on to define the claimed invention over the prior art in the amendment filed on 07/21/1999.

As per claim 10, the omitted/broadened claim limitations which provide the broadening aspect to the claims are that the core computer unit has no "display" and "devoid any peripheral port" that applicant relies on to define the claimed invention over the prior art in the amendment filed on 05/12/1999; the core computer unit is "completely enclosed housing", "internal core components are not removable" (note: the claim only require not removable by a user but not require not removable by others); "said core computer unit not originally a component or a

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computer but a free standing unit originally not part of a computer", "said core computer unit having means to retain stored information event when separated from said enclosure, said stored information usable in said core computer unit with said plurality of different enclosure", and the core computer unit has "means to be use interchangeable with different types of enclosures" which are presented in claim 22 of the original application, and which applicant relies on to define the claimed invention over the prior art in the amendment filed on 07/21/1999.

As per claim 11, the omitted/broadened claim limitations which provide the broadening aspect to the claims are that the core computer unit has no "display" that applicant relies on to define the claimed invention over the prior art in the amendment filed on 05/12/1999; the core computer unit is "completely enclosed housing", "internal core components are not removable", "said core computer unit not originally a component or a computer but a free standing unit originally not part of a computer", "said core computer unit having means to retain stored information event when separated from said enclosure, said stored information usable in said core computer unit with said plurality of different enclosure", and the core computer unit has "means to be use interchangeable with different types of enclosures" which are presented in claim 22 of the original application, and which applicant relies on to define the claimed invention over the prior art in the amendment filed on 07/21/1999.

As per claim 12, the omitted/broadened claim limitations which provide the broadening aspect to the claims are that the core computer unit has no "display" that applicant relies on to define the claimed invention over the prior art in the amendment filed on 05/12/1999; "internal core components are not removable"; "said core computer unit not originally a component or a computer but a free standing unit originally not part of a computer", and "said core computer unit

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having means to retain stored information event when separated from said enclosure, said stored information usable in said core computer unit with said plurality of different enclosure" which are presented in claim 22 of the original application, and which applicant relies on to define the claimed invention over the prior art in the amendment filed on 07/21/1999.

As per claim 13, the omitted/broadened claim limitations which provide the broadening aspect to the claims are that the core computer unit has no "display" that applicant relies on to define the claimed invention over the prior art in the amendment filed on 05/12/1999; "internal core components are not removable", "said core computer unit not originally a component or a computer but a free standing unit originally not part of a computer", and "said core computer unit having means to retain stored information event when separated from said enclosure, said stored information usable in said core computer unit with said plurality of different enclosure" which are presented in claim 22 of the original application, and which applicant relies on to define the claimed invention over the prior art in the amendment filed on 07/21/1999.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong D. Ngo whose telephone number is (571) 272-3731. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis, Jr. A. Bullock can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/31/2009

/Chuong D Ngo/
Primary Examiner, Art Unit 2193